

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

DANIEL LOREN JENKINS,

CV 05-1544-AS

Petitioner,

OPINION AND ORDER

v.

JEAN HILL,

Respondent.

REDDEN, Judge:

On August 30, 2007, Magistrate Judge Ashmanskas issued his Findings and Recommendation (doc. 47) in the above-captioned case, recommending Petitioner Daniel Loren Jenkin's Petition (doc. 1) for Writ of Habeas Corpus be denied as to the claims alleged in Grounds One, Three, and Four, and dismissed without prejudice as to the claim alleged in Ground Two.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. The magistrate judge only makes recommendations to the district court, and any party may file written objections to those recommendations. When a party timely objects to any portion of the magistrate's judge's Findings and Recommendation, the district court must conduct a *de novo* review of the portions of the Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The district court is not required to review the factual and legal conclusions of the magistrate judge, to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Petitioner timely filed objections to Magistrate Judge Ashmanskas' Findings and Recommendation that Petitioner's Second Claim be dismissed without prejudice because he failed to exhaust all available state law remedies before seeking habeas corpus relief. I have, therefore, given that portion of the Findings and Recommendation a *de novo* review. I agree with Magistrate Judge Ashmanskas' analysis and conclusions. Accordingly, I ADOPT Magistrate Judge Ashmanskas' Findings and Recommendation (doc. 47) without modification.

IT IS SO ORDERED.

DATED this 16th day of October, 2007.

/s/ James A. Redden
James A. Redden
Senior United States District Judge